

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES CARL KELLY,
Plaintiff,
v.
QUINTERO, et al.,
Defendants.

Case No. [21-cv-05127-JST](#)

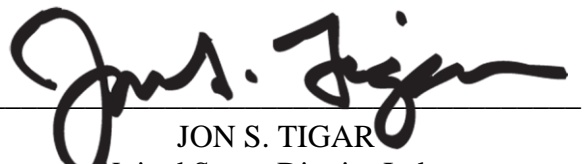
**DISMISSAL WITHOUT PREJUDICE
PURSUANT TO FED. R. CIV. P. 41**

Re: ECF No. 9

Plaintiff, an inmate at Salinas Valley State Prison ("SVSP"), has filed a *pro se* action pursuant to 42 U.S.C. § 1983. On January 13, 2022, Plaintiff filed a letter with this Court, informing the Court that he wished to drop this action. ECF No. 9. The Court construes this letter as a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i). Fed. R. Civ. P. 41(a)(1)(i) provides that a plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal "at any time before service by the adverse party of an answer or of a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(i). Defendants have not yet been served in this action. Therefore, pursuant to the January 13, 2022 Notice of Voluntary Dismissal, this action is **DISMISSED** without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(B) (unless plaintiff's notice of dismissal states otherwise, dismissal is without prejudice).

IT IS SO ORDERED.

Dated: January 26, 2022


JON S. TIGAR
United States District Judge